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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARMANDO CHRISTOPHER TABAREZ,

Defendant.

CASE NO. 2:21-CR-211-DAD

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: January 31, 2023
TIME: 9:30 a.m.
COURT: Hon. Dale A. Drozd

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on January 31, 2023.
2. By this stipulation, defendant now moves to continue the status conference until March 21, 2023, for a status conference (likely change of plea hearing), and to exclude time between January 31, 2023, and March 21, 2023, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes more than 400 pages of investigative reports, photographs, and other documents and materials. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

1 b) Counsel for defendant desires additional time to review the discovery, conduct
2 factual investigation, review the charges and potential defenses and resolutions, confer with their
3 client, and otherwise prepare for trial.

4 c) Counsel for defendant believes defendant will likely wish to change his plea at the
5 next status conference. However, counsel for defendant have had to forego planned visits with
6 defendant in the past couple months due to severe weather conditions and therefore have not had
7 sufficient opportunity to meet with defendant to finalize the plea agreement and confirm that he
8 desires to change his plea pursuant to the proposed plea agreement. In the event defendant does
9 not decide to plead guilty by the next court date, the time counsel needs to meet with defendant
10 will also be necessary for counsel's trial preparation.

11 d) Counsel for defendant believes that failure to grant the above-requested
12 continuance would deny them the reasonable time necessary for effective preparation, taking into
13 account the exercise of due diligence.

14 e) The government does not object to the continuance.

15 f) Based on the above-stated findings, the ends of justice served by continuing the
16 case as requested outweigh the interest of the public and the defendant in a trial within the
17 original date prescribed by the Speedy Trial Act.

18 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
19 et seq., within which trial must commence, the time period of January 31, 2023 to March 21,
20 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
21 T4] because it results from a continuance granted by the Court at defendant's request on the basis
22 of the Court's finding that the ends of justice served by taking such action outweigh the best
23 interest of the public and the defendant in a speedy trial.

24 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
25 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
26 must commence.

27 IT IS SO STIPULATED.
28

1 Dated: January 26, 2023

PHILLIP A. TALBERT
United States Attorney

3
4 /s/ DAVID W. SPENCER
DAVID W. SPENCER
Assistant United States Attorney

6 Dated: January 26, 2023

7 /s/ Megan Virga
Megan Virga
Ronald Peters
Counsel for Defendant
ARMANDO CHRISTOPHER
TABAREZ

12 **ORDER**

13 Based upon the stipulation of the parties and good cause appearing, the status conference
14 scheduled for January 31, 2023 is vacated and continued to March 21, 2023 at 9:30 a.m., for a status
15 conference (likely change of plea hearing), and time is excluded between January 31, 2023, and March
16 21, 2023, under Local Code T4. However, no further continuances of the status conference in this case
17 will be granted absent a compelling showing of good cause based upon reasons and circumstances in
18 addition to those already presented.

19 IT IS SO ORDERED.

20 Dated: January 26, 2023

21 Dale A. Drogel
UNITED STATES DISTRICT JUDGE